

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)	
)	
v.)	NO. 3:04-CR-179
)	
GREGORY ALEC PHILLIPS)	

MOTION FOR DISCLOSURE OF INFORMANTS

Comes defendant, Gregory Alec Phillips, by and through counsel, and respectfully moves this Honorable Court for an Order directing the government to inform defense counsel, in writing, of the names and addresses of all persons known to the United States, or law enforcement officers or agents to have been present at the time and places of the offenses alleged in the Indictment.

Further, the defendant would request the government be directed to inform defense counsel whether or not the prosecution has secured, directly or indirectly, any evidence in the above-captioned by virtue of use by identified or unidentified informants, whether for pay or not, if the answer is in the affirmative, that United States be ordered to produce for inspection, examination, and copying the following:

- (1) The identity of the informant;
- (2) Any statements by Gregory Alec Phillips, or any person, relative to the prosecution of this case, may be as an informant which is material to the prosecution or defense of this cause.

The Sixth Circuit has held that disclosure of an informant is proper where the informant is "an eye witness to and in fact a participant in the exchange of contraband by the defendant over a period . . ." United States v. Whitley, 74 F.2d 1138. See, also, Roviato v. United States, 353 U.S. 57 S. Ct. 623 (1957).

RESPECTFULLY SUBMITTED THIS 25 January 2005.

s/ Gregory P. Isaacs
GREGORY P. ISAACS, BPR #013282

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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing pleading has been served on counsel set forth below, pursuant to the Fed. R. Crim. P., by electronic delivery, hand-delivery or by placing a true and correct copy of same in the United States Mail with sufficient postage to carry the same to its destination.

AUSA Charles E. Atchley, Jr.
United States Assistant Attorney General
Howard H. Baker, Jr. U.S. Courthouse
800 Market Street, Room 211
Knoxville, Tennessee 37902

DATED this 25 January 2005.

s/ Gregory P. Isaacs
GREGORY P. ISAACS